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APR 15 2005

In re Application of
Byeong-Chan Lee et al
Application No. 10/722,193
Filed: November 25, 2003
Attorney Docket No. 5649-1225

OFFICE OF PETITIONS

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: DECISION GRANTING FILING
: DATE OF NOVEMBER 25, 2003
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This is a decision on the petition filed November 8, 2004, requesting that the above-identified application be accorded a filing date of November 25, 2003, rather than the filing date of November 26, 2003.

The petition is **granted**.

The application was deposited on November 25, 2003. However, on September 9, 2004, the Office of Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application," stating that the application was deposited without drawings.

In response, on November 8, 2004, the instant petition and a copy of (20) twenty formal drawing sheets as described in the specification were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of (20) twenty sheets of drawings on November 25, 2003. A review of the application file do not show receipt of any sheets of drawings.

MPEP 503 states that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, since the evidence supports the fact that the drawings (20 sheets) were in fact present on filing, the Notice mailed September 9, 2004, is vacated.

Since the drawings cannot be located in the Office, the copy of the drawings supplied on November 8, 2004 will be used for processing and examination purposes.

The petition fee of \$130.00 submitted with the instant petition is being credited to deposit account no. 50-0220 as authorized.

This matter is being referred to the Office of Initial Patent Examination Division for processing with a filing date of **November 25, 2003**, and for an indication that the drawings (20 sheets) were included on filing and for mailing of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy